

OCT. 16. 2003 5:14PM

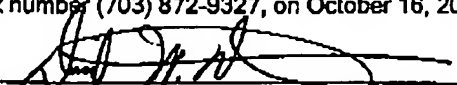
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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/044,615 is being facsimile transmitted to Technology Center 3600, After Final fax number (703) 872-9327, on October 16, 2003.

  
David W. Dorton, Reg. No. 51,625

OCTOBER 16, 2003  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/044,615  
Filed: January 11, 2001  
Group Art Unit: 3683  
Examiner: Devon C. Kramer  
Applicants: Miller et al.  
Title: PISTON AND ROD ASSEMBLY FOR AIR-ACTUATED VARIABLE DAMPING  
Attorney Docket: DP-306241/DEAU-37  
Confirmation No.: 9471

Cincinnati, Ohio 45202

October 16, 2003

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In consideration of the Request for Continued Examination filed October 16, 2003, and in response to the final Office Action mailed July 16, 2003, please amend the application as follows.

PTO/SB/30 (09-03)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/044,615
Filing Date	January 11, 2001
First Named Inventor	Troy A. Miller
Art Unit	3683
Examiner Name	Devon C. Kramer
Attorney Docket Number	DP-306241/DEAU-37

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☒ Other DO NOT ENTER THE UNENTERED AMENDMENT FILED 9/15/03

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or creditary overpayments, to

a. ☒ Deposit Account No. 23-3000

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David W. Dorton	Registration No. (Attorney/Agent)	51.625
Signature		Date	October 16, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	David W. Dorton	Date	October 16, 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
 BRUCE TITTEL  
 DONALD F. FRIED  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
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 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUPT  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN

OF COUNSEL  
 THOMAS W. FLYNN

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-421-7269

EMAIL: info@whnepatent.com

PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD	1923-1968
TRUMAN A. HERRON	1935-1978
EDWARD B. EVANS	1936-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
 BEVERLY A. LYMAN, PH.D.  
 KATHRYN E. SMITH  
 KRISTI L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 G. PRABHAKAR REDDY  
 SARAH OTTE GRABER  
 LARRY D. MOORE

WESLEY L. STRICKLAND (VA. DC BAR ONLY)

TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

October 16, 2003

**FACSIMILE COVER SHEET**

To: Technology Center 3600  
 After Final  
 Examiner Devon C. Kramer

From: David W. Dorton

Re: Our File: DEAU-37  
 U.S. Patent Application No. 10/044,615

Fax: (703) 872-9327

Pages: 25 (including cover sheet)

**MESSAGE/COMMENTS**

Attached herewith is Form PTO/SB/30, Request for Continued  
 Examination (RCE), submitted for the above-identified application.

**PLEASE DELIVER IMMEDIATELY TO  
 EXAMINER DEVON C. KRAMER**

**OFFICIAL**

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**OCT 17 2003**

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